

Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 1, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.210 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$900.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent (\$0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 52-9671; Filed, Sept. 3, 1952; 8:55 a. m.]

#### PART 958—IRISH POTATOES GROWN IN COLORADO

##### APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 2, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.211 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 2, established pursuant to Marketing Agree-

ment No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$3,024.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-tenth of one cent (\$0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 52-9670; Filed, Sept. 3, 1952; 8:54 a. m.]

#### PART 958—IRISH POTATOES GROWN IN COLORADO

##### APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR, Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER (17 F. R. 7254). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the administrative committee for Area No. 3, established pursuant to said marketing agreement and order, the following rules and regulations are hereby approved.

§ 958.212 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to \$2,100.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be \$0.0015 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 29th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 52-9672; Filed, Sept. 3, 1952; 8:55 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

#### Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Orders 368 and 378]

#### PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

#### PART 93—SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK, OTHER ANIMALS, AND POULTRY TO AND FROM MEXICO

On August 12, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7342) a notice of proposed intention to amend the regulations governing the importation of certain animals and poultry and certain animal and poultry products. After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (26 Stat. 416, as amended; 21 U. S. C. 102-105) and section 2 of the act of Congress approved February 2, 1903, as amended (32 Stat. 792, as amended; 21 U. S. C. 111), revokes the special regulations governing the importation of livestock, other animals, and poultry from Mexico now contained in §§ 93.2 through 93.12, as amended, Part 93, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, and amends the regulations now governing the importation of certain animals and poultry and certain animal and poultry products (except from Mexico) contained in Title 9, Chapter 1, Subchapter D, Part 92, as amended, to read as follows:

#### GENERAL PROVISIONS

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92.1	Definitions.
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92.4	Import permits for ruminants, swine, and poultry and for animal semen.
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- Sec.  
 92.14 Milk from quarantined animals.  
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## CANADA

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## COUNTRIES OF CENTRAL AMERICA AND WEST INDIES

- 92.27 Permits required.  
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## MEXICO

- 92.31 Permits for ruminants, swine, and poultry.  
 92.32 Declaration of purpose.  
 92.33 Inspection at port of entry.  
 92.34 Detention at port of entry and periods of quarantine.  
 92.35 Cattle.  
 92.36 Sheep and goats and wild ruminants.  
 92.37 Swine.  
 92.38 Poultry.  
 92.39 Horses.  
 92.40 Animals for immediate slaughter.

AUTHORITY: §§ 92.1 to 92.40 issued under secs. 6, 7, 8, 10, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102-105, 111.

## GENERAL PROVISIONS

§ 92.1 *Definitions.* Whenever in this part the following terms are used unless the context otherwise requires, they shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations

are regularly carried on and where Federal, State, or local inspection approved by the Bureau, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* *Boophilus annulatus*, including, but not limited to, the varieties *Americana* and *Australis*.

(q) *Permitted dip.* A dip permitted by the Bureau to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

§ 92.2 *General prohibition.* No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations.

§ 92.3 *Ports designated for the importation of animals.*—(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals except those from Canada and Mexico shall be entered through said stations, viz: Boston, Massachusetts; New York, New York; Baltimore, Maryland; Jacksonville, Miami, and Tampa, Florida; San Juan, Puerto Rico; New Orleans, Louisiana; Galveston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Tacoma and Seattle, Washington; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holey, Maine; Beecher Falls (Canada), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vermont; Rouses Point, Moores Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Roosevelttown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco,

and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Chief of Bureau with the concurrence of the Secretary of the Treasury.

§ 92.4 *Import permits for ruminants, swine, and poultry and for animal semen.*—(a) *Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

§ 92.5 *Certificate for ruminants, swine, and poultry.*—(a) *Ruminants and swine.* All ruminants and swine offered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.23, 92.29, 92.35, 92.36, 92.37, and 92.40 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such animals have been kept in said country at least 60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra; *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only; *And*



provided further, That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pul-lorum disease (bacillary white diarrhea) and other communicable diseases; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pul-lorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 *Diagnostic tests—(a) Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation; *Provided*, That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21

and 92.36 (b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and ear tag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Chief of Bureau.

§ 92.7 *Presentation of papers to collector of customs.* The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 *Inspection at port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry. Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 *Articles accompanying animals.* No litter or manure, fodder or other allment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals gov-

erned by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 *Movement from conveyances to quarantine station.* Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Bureau supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Bureau supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 *Periods of quarantine—(a) Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22, respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Chief of Bureau



to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Chief of Bureau may require.

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Bureau in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Chief of Bureau may direct.

(b) At a port where quarantine facilities are maintained by the Bureau, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Bureau or pay in advance for the cost thereof, as may be required, and waive all claim against the Bureau or any employee of the Bureau for damages which may arise from such service. The Chief of Bureau may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 *Quarantine stations, visiting restricted; sales prohibited.* Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined animals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 *Milk from quarantined animals.* Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 *Manure from quarantined animals.* No manure shall be removed from the quarantine premises until the release of the animals producing same.

§ 92.16 *Appearance of disease among animals in quarantine.* If any contagious disease appears among animals during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Chief of Bureau may direct, depending upon the nature of the disease.

§ 92.17 *Horses; accompanying forage and equipment.* Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Chief of Bureau be

landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Chief of Bureau. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 *Dogs for handling livestock.* Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, *Taenia coenurus*. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

#### CANADA<sup>1</sup>

§ 92.19 *Animals from Canada; declaration of purpose.* For all cattle, sheep, goats, swine and poultry offered for importation from Canada there shall be presented to the collector of customs at the time of entry a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 *Cattle from Canada—(a) Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in com-

<sup>1</sup> Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.



pliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been tuberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle\* shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) *Brucellosis test certificates.* Cattle 6 months or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been

tested for brucellosis, with negative results within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed, showing that they were officially vaccinated as calves 6 to 8 months of age, in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and ear tag numbers.

(e) *United States cattle returning from expositions in Canada.* Cattle from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other recognized expositions in Canada and have not been in that country more than 30 days may be returned to the United States within 10 days from the close of such fair or exposition without the certificates specified in paragraphs (b) and (c) of this section, if they are accompanied by copies of the tuberculin and brucellosis-test certificates accepted by the Canadian authorities for their entry into Canada and if it is shown to the satisfaction of the inspector at the United States port of reentry that they are the identical cattle covered by the said certificates.

§ 92.21 *Sheep and goats from Canada.*—(a) *For purposes other than immediate slaughter.* Sheep or goats offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they have been inspected on the premises of origin and found free from evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days. If unaccompanied by such certificate, the said sheep or goats shall be held in quarantine at the port of entry for not less than 10 days during which they shall be dipped and subjected to such tests or other treatment as may be ordered by the Chief of Bureau.

(b) *For immediate slaughter.* Sheep or goats for immediate slaughter may be imported from Canada without the certificate specified in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.22 *Swine from Canada.*—(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (1) that no hog cholera or swine plague has existed within a radius of 5 miles of the premises

on which the swine were kept during the 60 days preceding the date of movement therefrom, or (2) that no hog cholera or swine plague has existed on the premises of origin during such period and that the swine have been immunized against hog cholera by the simultaneous method and thereafter disinfected with a 2-percent solution of an approved cresylic disinfectant. If unaccompanied by such certificate, the swine shall be held in quarantine at the port of entry for not less than 2 weeks.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry, or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the aforesaid period.

§ 92.24 *Horses from Canada.* Horses from Canada shall be inspected as provided in § 92.8 and when so ordered by the Chief of Bureau shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing said horses to have been mallein-tested with negative results, or shall be so tested by a veterinary inspector at the port of entry. Those used in connection with local activities along the border may be admitted without inspection for a temporary period not exceeding 10 days, and the same provision shall apply to horses returning to the United States after a stay in Canada of not to exceed 10 days.

§ 92.25 *In-bond shipments from Canada.* Cattle, sheep, swine and poultry from Canada, transported in-bond for export, if accompanied by certificates showing freedom from disease as required by §§ 92.20 (a), 92.21 (a), 92.22 (a) or 92.26, respectively, and also horses from Canada transported in-bond for export, may proceed without inspection at the border port of entry, subject to inspection at the United States port of export: *Provided, however,* That such animals shall be inspected at the port of entry or at points en route at which the Bureau has inspectors stationed, if so directed by the Chief of Bureau.

§ 92.26 *Poultry from Canada.* All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from

\* Cattle of the beef breeds raised under range conditions in the western provinces of Canada.



Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

**COUNTRIES OF CENTRAL AMERICA AND WEST INDIES<sup>1</sup>**

§ 92.27 *Animals from Central America and the West Indies; permits required.* A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central America into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, *Boophilus annulatus*, is prohibited.

§ 92.28 *Ruminants from Central America and the West Indies.* Ruminants offered for importation from countries of Central America and the West Indies shall be accompanied by a certificate of a veterinary officer of the national government of the country of origin showing that they have been in the said country for a period of at least 60 days immediately preceding the date of shipment therefrom, that he has inspected them and found them to be free from evidence of communicable disease, and that as far as he has been able to determine they have not been exposed to any such disease during that period. If no such veterinary officer is available in the country of origin, the animals may be accompanied by an affidavit of the owner or importer stating that they have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Animals for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least 7 days and during that time shall be subjected to such dipping, blood tests, or other tests as may be ordered by the Chief of Bureau to determine their freedom from communicable disease. If imported for immediate slaughter they shall be handled as provided in § 92.23.

§ 92.29 *Swine from Central America and the West Indies.* Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quar-

antined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Chief of Bureau in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 *Horses from Central America and the West Indies.* When so ordered by the Chief of Bureau, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, *Boophilus annulatus*, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Chief of Bureau. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Chief of Bureau may direct.

**MEXICO<sup>1</sup>**

§ 92.31 *Permits for ruminants, swine, and poultry.* (a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

§ 92.32 *Declaration of purpose.* For all cattle, sheep, goats, swine, and poultry

offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 *Inspection at port of entry.* (a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 *Detention at port of entry and periods of quarantine.* (a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals

<sup>1</sup>Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 to 92.30, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

<sup>1</sup>Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable to such importations.



from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

**§ 92.35 Cattle from Mexico—(a) Fever ticks.** (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenic, southern, or tick fever, during the preceding 60 days and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease except splenic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss

or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) *Tuberculosis.* All cattle offered for importation from Mexico, except strictly range cattle<sup>\*</sup> and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Brucellosis.* All dairy or breeding cattle 6 months of age or older, except steers and spayed heifers, and cattle for immediate slaughter, offered for importation from Mexico shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of the consignor and consignee, and a description of the cattle, including the breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such cattle shall be detained or quarantined as provided in § 92.34 and a blood sample shall be obtained under the supervision of the inspector and the animals retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry, and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

**§ 92.36 Sheep and goats and wild ruminants from Mexico.** (a) Except as provided in paragraph (c) of this section, all sheep and goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a

<sup>\*</sup> It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the state of destination.

careful physical examination by him of such sheep and goats on the premises of origin, no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34, and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) Except as provided in paragraph (c) of this section, all goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing them to have been tested for tuberculosis and brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of consignor and consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry and unless returned to the country of origin shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

(c) Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in § 92.33.

**§ 92.37 Swine from Mexico.** (a) Except as provided for in paragraph (b) of this section, all swine offered for importation from Mexico for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from communicable disease.

(b) A certificate as specified in this section will not be required for wild swine



for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.23.

§ 92.38 *Poultry from Mexico.* Poultry, except eggs for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis), occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that the flock or flocks or origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 *Horses from Mexico—(a) Horses from tick-infested areas.* Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in § 92.35 (a) (2) for cattle from tick-infested areas.

(b) *Horses from dourine-infested areas.* All horses offered for importation from dourine-infested areas in Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for immediate slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where

they will be tested by the complement-fixation method for dourine. Any such animal that is found by said test to be affected with dourine shall be refused entry.

§ 92.40 *Animals for immediate slaughter.* Cattle, other ruminants, and swine from the Mexican states of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a), for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such animals on the premises of origin no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Cattle, other ruminants, and swine from Mexican States other than those designated above may be imported only in compliance with other applicable sections in this part.

The foregoing amendments revoke the special regulations governing the importation of certain animals and poultry from Mexico (9 CFR 93.2-93.12, as amended), and revise the general regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR Part 92, as amended), to make such regulations applicable to importations from Mexico, to require a more thorough inspection at the port of entry, to prescribe additional quarantine requirements, and to impose other safeguards in order to more effectively prevent the introduction into the United States of communicable diseases of animals and poultry.

For the protection of the livestock industry the foregoing amendments should be made effective as soon as possible. Therefore, good cause is found for making them effective less than 30 days after their publication in the *FEDERAL REGISTER*.

The foregoing amendments shall become effective upon publication in the *FEDERAL REGISTER*.

Done at Washington, D. C., this 2d day of September 1952.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 52-9685; Filed, Sept. 2, 1952; 12:05 p. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. H]

#### PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Effective September 1, 1952, Part 208 is amended to read as follows:

Sec.	Definitions.
208.1	Eligibility requirements.
208.2	Insurance of deposits.
208.3	Application for membership.
208.4	Approval of application.
208.5	Privileges and requirements of membership.
208.6	Conditions of membership.
208.7	Establishment or maintenance of branches.
208.8	Publication of reports of member banks and their affiliates.
208.9	Voluntary withdrawal from Federal Reserve System.
208.10	Board forms.
208.11	

AUTHORITY: §§ 208.1 to 208.11 issued under sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 9, 38 Stat. 259, as amended, 49 Stat. 715, 64 Stat. 873; 12 U. S. C. 321-338, 486, 1814, 1816.

§ 208.1 *Definitions.* For the purposes of this part:

(a) The term "State bank" means any bank or trust company incorporated under a special or general law of a State or under a general law for the District of Columbia, any mutual savings bank (unless otherwise indicated), and any Morris Plan bank or other incorporated banking institution engaged in similar business.<sup>1</sup>

(b) The term "mutual savings bank" means a bank without capital stock transacting a savings bank business, the net earnings of which inure wholly to the benefit of its depositors after payment of obligations for any advances by its organizers, and in addition thereto includes any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends.

(c) The term "Board" means the Board of Governors of the Federal Reserve System.

<sup>1</sup> Under the provisions of section 19 of the Federal Reserve Act, national banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. However, this Part 208 is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve Bank with which it desires to do business.



(d) The term "board of directors" means the governing board of any institution performing the usual functions of a board of directors.

(e) The term "Federal Reserve Bank stock" includes the deposit which may be made with a Federal Reserve Bank in lieu of a subscription for stock by a mutual savings bank which is not permitted to purchase stock in a Federal Reserve Bank, unless otherwise indicated.

(f) The terms "capital" and "capital stock" mean common stock, preferred stock, and legally issued capital notes and debentures purchased by the Reconstruction Finance Corporation which may be considered capital and capital stock for purposes of membership in the Federal Reserve System under the provisions of section 9 of the Federal Reserve Act.

**§ 208.2 Eligibility requirements.** (a) Under the terms of section 9 of the Federal Reserve Act, as amended, to be eligible for admission to membership in the Federal Reserve System:

(1) A State bank, other than a mutual savings bank, must possess capital stock and surplus which, in the judgment of the Board, are adequate in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities: *Provided*, That no bank engaged in the business of receiving deposits other than trust funds, which does not possess capital stock and surplus in an amount equal to that which would be required for the establishment of a national banking association in the place in which it is located, shall be admitted to membership unless it is, or has been, approved for deposit insurance under the Federal Deposit Insurance Act.

(2) A mutual savings bank must possess surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the place where it is situated.

(b) The minimum capital required for the organization of a national bank, referred to hereinbefore in connection with the capital required for admission to membership in the Federal Reserve System, is as follows:

	Minimum capital
If located in a city or town with a population:	
Not exceeding 6,000 inhabitants.....	\$50,000
Exceeding 6,000 but not exceeding 50,000 inhabitants.....	100,000
Exceeding 50,000 inhabitants (except as stated below).....	200,000
In an outlying district of a city with a population exceeding 50,000 inhabitants; provided State law permits organization of State banks in such location with a capital of \$100,000 or less.....	100,000

With certain exceptions not here applicable, a national bank must have surplus equal to 20 percent of its capital in order to commence business.

**§ 208.3 Insurance of deposits.** Any State bank becoming a member of the Federal Reserve System which is engaged in the business of receiving de-

posits other than trust funds and which is not at the time an insured bank under the provisions of the Federal Deposit Insurance Act, will become an insured bank under the provisions of that Act on the date upon which it becomes a member of the Federal Reserve System.<sup>1</sup> In the case of an insured bank which is admitted to membership in the Federal Reserve System, the bank will continue to be an insured bank.

**§ 208.4 Application for membership—**  
(a) *State bank, other than a mutual savings bank.* A State bank, other than a mutual savings bank, applying for membership, shall make application on Form F. R. 83A to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six percent of the paid-up capital stock and surplus of the applying institution.

(b) *Mutual savings bank.* A mutual savings bank applying for membership shall make application on Form F. R. 83B to the Board for an amount of capital stock in the Federal Reserve Bank of its district equal to six-tenths of one percent of its total deposit liabilities as shown by the most recent report of examination of such institution preceding its admission to membership, or, if such institution be not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, on Form F. R. 83C, for permission to deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

(c) *Mutual savings bank which is not authorized to purchase stock of Federal Reserve Bank at time of admission.* If a mutual savings bank be admitted to membership on the basis of a deposit of the required amount with the Federal Reserve Bank in lieu of payment upon capital stock because the laws under which such bank was organized do not at that time authorize it to purchase stock in the Federal Reserve Bank, it shall subscribe on Form F. R. 83D for the appropriate amount of stock in the Federal Reserve Bank whenever such laws are amended so as to authorize it to purchase stock in a Federal Reserve Bank.<sup>2</sup>

<sup>1</sup>In the case of a State bank which is engaged in the business of receiving deposits other than trust funds and which at the time of its admission to membership in the Federal Reserve System is not an insured bank, the Board is required under the provisions of sections 4 and 6 of the Federal Deposit Insurance Act to issue a certificate to the Federal Deposit Insurance Corporation to the effect that the bank is a member of the Federal Reserve System and that consideration has been given to the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not its corporate powers are consistent with the purposes of the Federal Deposit Insurance Act.

<sup>2</sup>The Federal Reserve Act provides that, if the laws under which any such savings bank was organized be not amended at the first session of the legislature following the admission of the savings bank to membership so as to authorize mutual savings bank to purchase Federal Reserve Bank stock,

(d) *Execution and filing of application.* Each application made under the provisions of this section and the exhibits referred to in the application blank shall be executed and filed, in duplicate, with the Federal Reserve Bank of the district in which the applying bank is located.

**§ 208.5 Approval of application—**(a) *Matters given special consideration by Board.* In passing upon an application, the following matters will be given special consideration:

(1) The financial history and condition of the applying bank and the general character of its management;

(2) The adequacy of its capital structure in relation to the character and condition of its assets and to its existing and prospective deposit liabilities and other corporate responsibilities; and its future earnings prospects;

(3) The convenience and needs of the community to be served by the bank; and

(4) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act.

(b) *Procedure for admission to membership after approval of application.* If an applying bank conforms to all the requirements of the Federal Reserve Act and this part and is otherwise qualified for membership, its application will be approved subject to such conditions as may be prescribed pursuant to the provisions of the Federal Reserve Act. When the conditions prescribed have been accepted by the applying bank, it should pay to the Federal Reserve Bank of its district one-half of the amount of its subscription and, upon receipt of advice from the Federal Reserve Bank as to the required amount, one-half of one percent of its paid-up subscription for each month from the period of the last dividend.<sup>3</sup> The remaining half of the bank's subscription shall be subject to call when deemed necessary by the Board. The bank's membership in the Federal Reserve System shall become effective on the date as of which a certificate of stock of the Federal Reserve Bank is issued to it pursuant to its application for membership or, in the case of a mutual savings bank which is not authorized to subscribe for stock, on the date as of which a certificate representing the acceptance of a deposit with the Federal Reserve Bank in place of a payment on account of a subscription to stock is issued to it pursuant to its application for membership.

**§ 208.6 Privileges and requirements of membership.** Every State bank while

or if such laws be so amended and the bank fall within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed in section 9 of the Federal Reserve Act.

<sup>3</sup>In the case of a mutual savings bank which is not permitted by the laws under which it was organized to purchase stock in a Federal Reserve Bank, it shall deposit with the Federal Reserve Bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.



a member of the Federal Reserve System—

(a) Shall retain its full charter and statutory rights subject to the provisions of the Federal Reserve Act and other acts of Congress applicable to member State banks, to the regulations of the Board made pursuant to law, and to the conditions prescribed by the Board and agreed to by such bank prior to its admission;

(b) Shall enjoy all the privileges and observe all the requirements of the Federal Reserve Act and other acts of Congress applicable to member State banks and of the regulations of the Board made pursuant to law which are applicable to member State banks;

(c) Shall comply at all times with any and all conditions of membership prescribed by the Board in connection with the admission of such bank to membership in the Federal Reserve System; and

(d) Shall not reduce its capital stock except with the prior consent of the Board.\*

#### § 208.7 Conditions of membership.

(a) Pursuant to the authority contained in the first paragraph of section 9 of the Federal Reserve Act, which authorizes the Board to permit applying State banks to become members of the Federal Reserve System "subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto," the Board, except as hereinafter stated, will prescribe the following conditions of membership for each State bank hereafter applying for admission to the Federal Reserve System, and, in addition, such other conditions as may be considered necessary or advisable in the particular case:

(1) Such bank at all times shall conduct its business and exercise its powers with due regard to the safety of its depositors, and, except with the permission of the Board of Governors of the Federal Reserve System, such bank shall not cause or permit any change to be made in the general character of its business or in the scope of the corporate powers exercised by it at the time of admission to membership.

\* This applies to capital stock of all classes and to capital notes and debentures legally issued and purchased by the Reconstruction Finance Corporation which, under the Federal Reserve Act, are considered as capital stock for purposes of membership.

\* For many years, the Board prescribed, as standard conditions of membership, a condition which, in general, prohibited banks from engaging as a business in the sale of real estate loans to the public and certain conditions relating to the exercise of trust powers, including one which prohibited self-dealing in the investment of trust funds. The elimination of these conditions as standard conditions of membership does not reflect any change in the Board's position as to the undesirability of the practices formerly prohibited by such conditions; and attention is called to the fact that engaging as a business in the sale of real estate loans to the public or failing to conduct trust business in accordance with the applicable State laws and sound principles of trust administration may constitute unsafe or unsound practices and violate the condition set forth in this subparagraph.

(2) The net capital and surplus funds of such bank shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

(b) The acquisition by a member State bank of the assets of another institution through merger, consolidation, or purchase may result in a change in the general character of its business or in the scope of its corporate powers within the meaning of the condition set forth in subparagraph (1) of this paragraph, and if at any time a bank subject to such condition anticipates making any such acquisition a detailed report setting forth all the facts in connection with the transaction shall be made promptly to the Federal Reserve Bank of the district in which such bank is located.

(c) If at any time, in the light of all the circumstances, the aggregate amount of a member State bank's net capital and surplus funds appears to be inadequate, the bank within such period as shall be deemed by the Board to be reasonable for this purpose, shall increase the amount thereof to an amount which in the judgment of the Board shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities.

§ 208.8 Establishment or maintenance of branches—(a) In general. Every State bank which is or hereafter becomes a member of the Federal Reserve System is subject to the provisions of section 9 of the Federal Reserve Act relating to the establishment and maintenance of branches<sup>1</sup> in the United States or in a dependency or insular possession thereof or in a foreign country. Under the provisions of section 9, member State banks establishing and operating branches in the United States beyond the corporate limits of the city, town, or village in which the parent bank is situated must conform to the same terms, conditions, limitations, and restrictions as are applicable to the establishment of branches by national banks under the provisions of section 5155 of the Revised Statutes of the United States relating to the establishment of branches in the United States, except that the approval of any such branches must be obtained from the Board rather than from the Comptroller of the Currency. The approval of the Board must likewise be obtained before any member State bank establishes any branch after July 15, 1952, within the corporate limits of the city, town, or village in which the parent bank is situated (except within the District of Columbia). Under the provisions of section 9, member State banks establishing and operating branches in a dependency or insular possession of the United States or in a foreign country

<sup>1</sup>Section 5155 of the Revised Statutes of the United States provides that: "(f) The term 'branch' as used in this section shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State or territory of the United States or in the District of Columbia at which deposits are received, or checks paid, or money lent."

must conform to the terms, conditions, limitations, and restrictions contained in section 25 of the Federal Reserve Act relating to the establishment by national banks of branches in such places.

(b) Branches in the United States. (1) Before a member State bank establishes a branch (except within the District of Columbia), it must obtain the approval of the Board.

(2) Before any nonmember State bank having a branch or branches established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated is admitted to membership in the Federal Reserve System, it must obtain the approval of the Board for the retention of such branches.

(3) A member State bank located in a State which by statute law permits the maintenance of branches within county or greater limits may, with the approval of the Board, establish and operate, without regard to the capital requirements of section 5155 of the Revised Statutes, a seasonal agency in any resort community within the limits of the county in which the main office of such bank is located for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto, if no bank is located and doing business in the place where the proposed agency is to be located; and any permit issued for the establishment of such an agency shall be revoked upon the opening of a State or national bank in the community where the agency is located.

(4) Except as stated in paragraph (b) (3) of this section, in order for a member State bank to establish a branch beyond the corporate limits of the city, town, or village in which it is situated, the aggregate capital stock of the member State bank and its branches shall at no time be less than the aggregate minimum capital stock required by law for the establishment of an equal number of national banking associations situated in the various places where such member State bank and its branches are situated.

(5) A member State bank may not establish a branch beyond the corporate limits of the city, town, or village in which it is situated unless such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition.

(6) Any member State bank which, on February 25, 1927, had established and was actually operating a branch or branches in conformity with the State

\* The requirement of this paragraph is met if the aggregate capital stock of a member State bank having branches is not less than the total amount of capital stock which would be required for the establishment of one national bank in each of the places in which the head office and branches of the member State bank are located, irrespective of the number of offices which the bank may have in any such place. There are no additional capital requirements for additional branches within the city, town, or village in which the head office is located.



law is permitted to retain and operate the same while remaining a member of the Federal Reserve System, regardless of the location of such branch or branches.

(7) The removal of a branch of a member State bank from one town to another town constitutes the establishment of a branch in such other town and, accordingly, requires the approval of the Board. The removal of a branch of a member State bank from one location in a town to another location in the same town will require the approval of the Board if the circumstances of the removal are such that the effect thereof is to constitute the establishment of a new branch as distinguished from the mere relocation of an existing branch in the immediate neighborhood without affecting the nature of its business or customers served.

(c) *Application for approval of branches in United States.* Any member State bank desiring to establish a branch should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any nonmember State bank applying for membership and desiring to retain any branch established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated should submit a similar request. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

(d) *Foreign branches.* Before a member State bank establishes a branch in a foreign country, or dependency or insular possession of the United States, it must have a capital and surplus of \$1,000,000 or more and obtain the approval of the Board.

(e) *Application for approval of foreign branches.* Any member State bank desiring to establish such a branch and any nonmember State bank applying for membership and desiring to retain any such branch established after February 25, 1927, should submit a request for the approval by the Board of any such branch to the Federal Reserve Bank of the district in which the bank is located. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

§ 208.9 *Publication of reports of member banks and their affiliates*—(a) *Reports of member banks.* (1) Each report of condition made by a member State bank, which is required to be made to the Federal Reserve Bank of its district as of call dates fixed by the Board of Governors of the Federal Reserve System, shall be published by such member bank within twenty days from the date the call therefor is issued.

(2) The report shall be printed in a newspaper published in the place where the bank is located or, if there be no newspaper published in the place where the bank is located, then in a newspaper published in the same or in an adjoining county and in general circulation in the place where the bank is located. The term "newspaper", for the purpose of this part, means a publication with a general circulation published not less frequently than once a week, one of the primary functions of which is the dissemination of news of general interest.

(3) The copy of the report for the use of the printer for publication should be prepared on the form supplied or authorized for the purpose by the Federal Reserve Bank. The published information shall agree in every respect with that shown on the face of the condition report rendered to the Federal Reserve Bank, except that any item for which no amount is reported may be omitted in the published statement. All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(4) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on the form supplied or authorized for the purpose by the Federal Reserve Bank.

(b) *Reports of affiliates.*<sup>10</sup> (1) Each report of an affiliate of a member State

<sup>10</sup>Under the provisions of section 9 of the Federal Reserve Act, reports of condition of member State banks which, under that section, must be made to the respective Federal Reserve Banks on call dates fixed by the Board of Governors of the Federal Reserve System "shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe".

Section 9 also provides that the reports of affiliates of a member State bank which are required by that section to be furnished to the respective Federal Reserve Banks "shall be published by the bank under the same conditions as govern its own condition reports". The term "affiliates", as used in this provision of section 9, under the express terms of that section, includes "holding company affiliates as well as other affiliates", but a member State bank is not required to furnish to a Federal Reserve Bank the report of an affiliated member bank.

<sup>11</sup>Section 21 of the Federal Reserve Act, among other things, provides as follows: "whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said

bank, including a holding company affiliate, shall be published at the same time and in the same newspaper as the affiliated bank's own condition report submitted to the Federal Reserve Bank, unless an extension of time for submission of the report of the affiliate has been granted under authority of the Board of Governors of the Federal Reserve System. When such extension of time has been granted, the report of the affiliate must be submitted and published before the expiration of such extended period in the same newspaper as the condition report of the bank was published.

(2) The copy of the report for the use of the printer for publication should be prepared on Form F. R. 220a. The published information shall agree in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve Bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve Bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve Bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none". All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(3) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on Form F. R. 220a.

§ 208.10 *Voluntary withdrawal from Federal Reserve System*—(a) *General.* Any State bank desiring to withdraw from membership in a Federal Reserve Bank may do so after six months' written notice has been filed with the Board; and the Board, in its discretion, may waive such six months' notice in any individual case and may permit such bank to withdraw from membership in a Federal Reserve Bank, subject to such conditions as the Board may prescribe, prior to the expiration of six months from the date of the written notice of its intention to withdraw.

Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank." Therefore, of course, in any case where the Board of Governors waives the filing of a report of an affiliate of a member State bank, no publication of a report of such affiliate is required.

<sup>12</sup>Under specific provisions of section 9 of the Federal Reserve Act, however, no Federal Reserve Bank shall, except upon express authority of the Board, cancel within the same calendar year more than twenty-five per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All applications for voluntary withdrawals are required by the law to be dealt with in the order in which they are filed with the Board.



**(b) Notice of intention of withdrawal.**

(1) Any State bank desiring to withdraw from membership in a Federal Reserve Bank should signify its intention to do so, with the reasons therefor, in a letter addressed to the Board and mailed to the Federal Reserve Bank of which such bank is a member. Any such bank desiring to withdraw from membership prior to the expiration of six months from the date of written notice of its intention to withdraw should so state in the letter signifying its intention to withdraw and should state the reason for its desire to withdraw prior to the expiration of six months.

(2) Every notice of intention of a bank to withdraw from membership in the Federal Reserve System and every application for the waiver of such notice should be accompanied by a certified copy of a resolution duly adopted by the board of directors of such bank authorizing the withdrawal of such bank from membership in the Federal Reserve System and authorizing a certain officer or certain officers of such bank to file such notice or application, to surrender for cancellation the Federal Reserve Bank stock held by such bank, to receive and receipt for any moneys or other property due to such bank from the Federal Reserve Bank and to do such other things as may be necessary to effect the withdrawal of such bank from membership in the Federal Reserve System.

(3) Notice of intention to withdraw or application for waiver of six months' notice of intention to withdraw by any bank which is in the hands of a conservator or other State official acting in a capacity similar to that of a conservator should be accompanied by advice from the conservator or other such State official that he joins in such notice or application.

(c) **Time and method of effecting actual withdrawal.** Upon the expiration of six months after notice of intention to withdraw or upon the waiving of such six months' notice by the Board, such bank may surrender its stock and its certificate of membership to the Federal Reserve Bank and request that same be canceled and that all amounts due to it from the Federal Reserve Bank be refunded.<sup>12</sup> Unless withdrawal is thus

effected within eight months after notice of intention to withdraw is first given, or unless the bank requests and the Board grants an extension of time, such bank will be presumed to have abandoned its intention of withdrawing from membership and will not be permitted to withdraw without again giving six months' written notice or obtaining the waiver of such notice.

(d) **Withdrawal of notice.** Any bank which has given notice of its intention to withdraw from membership in a Federal Reserve Bank may withdraw such notice at any time before its stock has been canceled and upon doing so may remain a member of the Federal Reserve System. The notice rescinding the former notice should be accompanied by a certified copy of an appropriate resolution duly adopted by the board of directors of the bank.

§ 208.11 **Board forms.** All forms referred to in this part and all such forms as they may be amended from time to time shall be a part of the regulations in this part.

The purpose of these amendments is to make this part conform to recent changes in the law relating to capital requirements for admission of State banks to membership in the Federal Reserve System and to the capital requirements for the establishment of branches by State member banks.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with these amendments for the reasons and good cause found, as stated in § 262.2 (e) of the Board's Rules of Procedure (Part 262), and especially because such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM,  
[SEAL] S. R. CARPENTER,  
Secretary.

[F. R. Doc. 52-9621; Filed, Sept. 3, 1952;  
8:46 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5025]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALEXANDER AUERBACH, ETC.

Subpart—**Misbranding or mislabeling:** § 3.1190 *Composition: Wool Products Labeling Act*; § 3.1325 *Source or origin: Wool Products Labeling Act*. Subpart—**Misrepresenting oneself and goods:** § 3.1590 *Composition*; § 3.1685 *Nature*. Subpart—**Neglecting, unfairly or deceptively, to make material disclosure:** § 3.1845 *Composition: Wool Products Labeling Act*; § 3.1900 *Source or origin: Wool Products Labeling Act*. Subpart—**Offering, unfair, improper and deceptive inducements to purchase or deal:** § 3.2063 *Scientific or relevant facts*. Subpart—**Using misleading name—Vendor:** § 3.2365 *Concealed subsidiary or "alter*

*ego*". I. In connection with the offering for sale, sale or distribution in commerce, as defined in the Federal Trade Commission Act, of fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings or other wool waste which have been reclaimed or reworked, (1) using the term "wool" to designate, describe or otherwise refer to such reclaimed or reworked fibers unless such fibers are "wool," as the term is defined in the Wool Products Labeling Act of 1939; (2) using the term "reprocessed wool" to designate, describe or otherwise refer to such reclaimed and reworked fibers unless such fibers are "reprocessed wool," as the term is defined in the Wool Products Labeling Act of 1939; (3) representing, directly or by implication, that fibrous stock composed in whole or in part of fibers reclaimed from wool rags, clippings, or other waste which have been reclaimed and reworked, is or may be described or identified as "wool" under the provisions of the Wool Products Labeling Act of 1939, except to the extent which it contains constituent fibers of "wool" as defined in said act, or is or may be described as "reprocessed wool" except to the extent which it contains constituent fibers of "wool" or "reprocessed wool" as defined therein; or, (4) misrepresenting or concealing, through the use of fictitious names or otherwise, the identity of respondent or his business; and, II, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as defined in the Federal Trade Commission and Wool Products Labeling Acts, misbranding "shoddy" or other "wool products", as defined in and subject to said Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, by failing to securely affix to or place on each of such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner; (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and, (c) the name of the manufacturer of such wool product, or the manufacturer's registered identification number and the name of a seller of such wool product, or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, that nothing contained in prohibitions (1) and (2) of Part I shall be construed as in any way restricting, enlarging or altering the applicability of the provisions of the Wool Products Labeling Act of 1939 and

<sup>12</sup> A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve Bank stock held by it is duly canceled. Until such stock has been canceled, such bank remains a member of the Federal Reserve System, is entitled to all the privileges of membership, and is required to comply with all provisions of law and all regulations of the Board pertaining to member banks and with all conditions of membership applicable to it. Upon the cancellation of such stock, all rights and privileges of such bank as a member bank shall terminate.

Upon the cancellation of such stock, and after due provision has been made for any indebtedness due or to become due to the Federal Reserve Bank, such bank shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one percent per month from the date of last dividend, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to the repayment of deposits and of any other balance due from the Federal Reserve Bank.